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EXECUTIVE COMMITTEE OF THE HIGH COMMISSIONER'S PROGRAMME

Forty-ninth session

REPORT OF THE TWELFTH MEETING OF THE STANDING COMMITTEE (23 - 25 June 1998)

I. INTRODUCTION

1. The meeting was opened by the Chairman of the Executive Committee, His Excellency, Ambassador Björn Skogmo (Norway).

II. ADOPTION OF THE AGENDA OF THE TWELFTH MEETING AND THE REPORT OF THE ELEVENTH MEETING

2. The agenda (EC/48/SC/CRP.22) was adopted without revision. The draft report of the eleventh meeting (EC/48/SC/CRP.21) was adopted with one amendment to paragraph 17. This amendment inserted the following sentence, beginning on the third line: "One delegation noted the nature of the mixed flow from Iraq and emphasized the concern for the humanitarian element in the European Union Action Plan".

III. ASSISTANT HIGH COMMISSIONER'S STATEMENT

3. The Assistant High Commissioner delivered an opening statement to the Standing Committee, updating delegations on recent developments in UNHCR Operations around the world. He informed delegations that Mr. Vincent Cochetel, UNHCR's Head of Office in Vladikavkaz, still remained captive, 145 days after his abduction. He informed delegations that this situation, however, was not an isolated one, but rather one that fell within an alarming pattern of violence against United Nations civilian staff in recent years. The Assistant High Commissioner also commented on UNHCR's critical financial situation, which has forced UNHCR to scale down some programmes and discontinue others.

IV. INTERNATIONAL PROTECTION

4. Under this agenda item, the Standing Committee had before it four documents for discussion: *Note on International Protection* (EC/48/SC/CRP.27); *Composite Flows and the Relationship to Refugee Outflows, Including Return of Persons not in Need of International Protection, as well as Facilitation of Return in its Global Dimension* (EC/48/SC/CRP.29); *Progress Report on Informal Consultations on the Provision of International Protection to all who Need It* (EC/48/SC/CRP.32); and *Note on Resettlement of Refugee with Special Needs* (EC/48/SC/CRP.28). Delegations were also presented with an oral report on the exclusion clauses.

5. The Director of the Division of International Protection made a statement, informing delegations in particular of the "reach-out" consultations on the international protection mandate of UNHCR. The Deputy High Commissioner for Human Rights also provided delegations with an introductory statement to the agenda item, highlighting the link between human rights and refugee protection.

A. Note on International Protection

6. The *Note on International Protection* was introduced by the Deputy Director of the Division of International Protection. In their interventions, delegations addressed both aspects of this year's Note: its overview of current concerns and new issues, and its framework theme of the interlinkages between refugee protection and human rights. Regarding the protection concerns outlined in the Note, it was stressed that the protection of refugees is a shared responsibility and that States had to meet their own obligations in this regard. Many delegations addressed the range of issues in the Note, expressing concern about violations of the principle of *non-refoulement*, threats to physical security (particularly for refugee women and children) and the safety of camps.

7. More specifically, the following issues were of importance to a number of delegations: the difficulties in ensuring sustainable return and the human rights implications of return; protection of refugee women and children (delegations commended UNHCR's activities in this regard and urged greater mainstreaming of its policy and protection guidelines on women and children); respect for family unity; the role of the 1951 Convention and 1967 Protocol in the light of new refugee protection challenges; the importance of examining supplementary concepts such as gender-related persecution and the question of return of rejected cases; and statelessness. There was strong support for discussion of issues of burden or responsibility-sharing, notably in the context of mass influx and for putting in place of arrangements based on a fair distribution of responsibilities. It was also highlighted that access to asylum and the meeting of protection responsibilities by States should not be dependent on burden-sharing being in place.

8. With respect to the Note's human rights theme, its timeliness was recognized and the value of examining the refugee experience against the background of human rights principles was highlighted. UNHCR was encouraged to continue to strengthen its cooperation with the human rights bodies and mechanisms, although in so doing, the Office was also encouraged to maintain the specificity of its own mandate activities. While recognizing that human rights violations are amongst the principle causes of refugee flows, some

delegations also stressed the causal role of environmental and development factors. A number of delegations were interested in further discussion on the parallel development of the *non-refoulement* principle in human rights instruments. Delegations broadly accepted that the primary duty for promoting and protecting human rights fell on States. In this regard, programmes to combat xenophobia and racism, as well as to strengthen local capacity to protect human rights, including through building of national human rights institutions and training programmes for the police and the judiciary, were recognized as being particularly important. The NGO Observer delegation encouraged UNHCR to continue to integrate human rights into its refugee protection activities and urged member States of the Executive Committee to reinforce their commitment to upholding these principles.

9. A number of delegations concluded that there were many issues in the Note, particularly those related to the interface between refugee protection and human rights, which could productively be discussed in the informal "gap" consultations.

B. Composite Flows and the Relationship to Refugee Outflows, Including Return of Persons not in Need of International Protection, as well as Facilitation of Return in its Global Dimension

10. The Chief of UNHCR's General Legal Advice Section introduced document EC/48/SC/CRP.29. Delegations acknowledged complexity of the subject, as well as the value of the conclusions of the Working Group on Solutions and Protection to further debate on this matter. There was recognition that there are a number of different categories of persons caught up in asylum linked flows, whose protection needs differed one from another. The need to keep in mind the difference both between refugees and persons not in need of international protection, as well as rejected asylum-seekers and persons without a protection need was stressed by delegations. There was a realization that the issue of return has a broader context, going beyond refugee protection and merging in with global migration concerns. Delegations felt that this context also needed to be addressed, although not only by the Executive Committee, given its specific mandate. The NGO Observer delegation highlighted the complexity of international migration, recognizing that refugee movements are a dimension of international migration. States were urged to ensure that human rights principles are applied to all responses to composite flows and related migration issues. There was some support for keeping the issue of return on the agenda of the Standing Committee.

11. Delegations considered how to ensure the return of rejected cases and the acceptance by countries of origin of their obligation to receive back their citizens. A number of delegations expressed the view that re-admission agreements should not be a prerequisite for the expulsion of rejected cases, although they may prove helpful in some cases. It was accepted that classical readmission agreements are not the appropriate vehicle for effecting the onward travel of persons whose claims had yet to be determined. The importance of fair and efficient refugee status determination procedures, the need to address the problems of abuse of these procedures and trafficking were also discussed. How to facilitate return, including through development-related activities in the country of origin, was an important focus for a number of delegations. It was broadly accepted that, regardless of the status of the persons concerned, their return should be undertaken in

a humane and dignified manner and in conformity with human rights standards. Finally, there was some consideration of the roles to be played by international organizations, including UNHCR, as a catalyst, and the International Organization for Migration (IOM), to facilitate return.

C. Progress Report on Informal Consultations on the Provision of International Protection to all who need it

12. The Chief of UNHCR's General Legal Advice Section also provided delegations with an introduction to document EC/48/SC/CRP.32. It was generally agreed that the informal consultations on protection for all who need it had proved a valuable forum for frank discussion and there was general agreement that the consultations should continue, albeit taking into account UNHCR's resource limitations. It was pointed out that the main criteria to be respected in organizing additional consultations were informality and expertise of discussions, and broadly based participation therein. Delegations felt that the results of deliberations, as well as the background papers prepared for the various consultations, deserved wider distribution and UNHCR was asked to look at ways to achieve this.

D. Oral Report on Exclusion Clauses

13. The Senior Legal Advisor from UNHCR's General Legal Advice Section presented delegations with an oral report on the exclusion clauses, a subject which delegations recommended should be the subject of on-going consideration by the Standing Committee. Amongst the main concerns identified by delegations during discussions, the challenge of protecting the integrity of the asylum system through rigorous applications of the exclusion clauses in the case of terrorist and criminal asylum-seekers was particularly underlined. By the same token, the need to apply the clauses restrictively and in fair and transparent procedures was also stressed by a number of delegations. The NGO Observer delegation urged States to be consistent with basic principles of fairness and transparency when applying the exclusion clauses in order to preserve their integrity. There were a number of concepts which delegations felt deserved further analysis, including the notion of "political" crimes, terrorists acts, and offences contrary to the purposes and principles of the United Nations. Delegations also recognized the importance of the procedural concerns raised in the oral presentation, particularly the approach to take with respect to family members of an excluded individual. It was suggested by a number of delegations that the informal consultations could serve as a possible forum for further examination of such exclusion issues.

E. Note on Resettlement of Refugees with Special Needs

14. The Chief of UNHCR's Resettlement Section introduced document EC/48/SC/CRP.28. There was broad support for UNHCR's efforts to generate awareness of the special needs of women-at-risk, refugee minors and adolescents, elderly refugees and survivors of torture and violence. Several delegations urged other members of the Executive Committee to offer resettlement places. In this context, the new resettlement programmes in place in Africa were particularly welcomed. Another delegation, which is about to embark on a new resettlement programme, invited countries with long-established programmes to provide support and advice.

15. Several delegations urged UNHCR to further its efforts on behalf of unaccompanied refugee minors, stressing that resettlement should be promoted only if it is in the "best interests" of the child. The Note's focus on the importance of family unity and the active contributions of the elderly was welcomed.

16. The Chairman's summing up, which provides further comment on the debate under this agenda item, is contained in Annex 2. In his closing remarks, the Chairman reminded delegations of the need to begin the process of drafting decisions and conclusions on international protection for submission to the Executive Committee in October.

V. SITUATION REPORTS

17. Under this agenda item, three regional reviews of Africa were presented to the Standing Committee; an *Update on Regional Developments in Central, East and West Africa* (EC/48/SC/CRP.24); an *Update on Developments in the Great Lakes Region of Africa* (EC/48/SC/CRP.25); and an *Update on Developments in the Southern African Region* (EC/48/SC/CRP.23). Prior to the presentation of these conference room papers the Chairman provided delegations with an oral report of his recent mission to the Great Lakes region of Africa.

18. The Chairman informed delegations that the delegations of Angola and Rwanda had requested to participate in meetings of the Standing Committee during 1998 as Observers and suggested that their participation begin immediately, given the Standing Committee's consideration of UNHCR programmes in Africa and in line with the Executive Committee's decision on Observer participation taken in 1997. Delegations agreed to this proposal.

19. In a report, the Chairman presented delegations with a brief overview of observations during his mission to Kenya, Rwanda, Burundi, the United Republic of Tanzania and Ethiopia. The Chairman described the security situation for many refugees and humanitarian staff as a grave concern that needed the urgent attention of the international community, stating that UNHCR should not be left to carry out humanitarian operations in a political vacuum. With regard to coordination, the Chairman noted that in general the coordination between UNHCR and other agencies was working efficiently, but that more could be done to incorporate NGOs as full partners in operations. In addition, he informed the Standing Committee of the enormous reintegration and rehabilitation tasks in the region, particularly in Rwanda. He expressed his conviction of the urgency of those tasks both in returnee and marginalized refugee hosting areas.

A. Update on Regional Developments in Central, East and West Africa

20. The Director of the Bureau for Central, East and West Africa (CEWA) introduced document CRP/48/SC/CRP.24. Since the issuance of the report, a crisis in Guinea-Bissau resulted in some 220,000 persons leaving the capital to take refuge in the hinterland. He warned that should the humanitarian situation deteriorate, these persons were likely to seek asylum in Senegal or in Guinea. The Committee was informed of the measures taken so far by the humanitarian community such as the appeals made by the High Commissioner to the Chairman of ECOWAS, the Heads of States from Guinea, Guinea-Bissau and Senegal, as well as to the Secretary General of the OAU, ECOWAS and the United Nations to use their good offices to avert a crisis. The Director

informed delegations that a group composed of humanitarian organizations and diplomatic missions has been set up in Geneva and in Dakar. Both groups have been meeting periodically to share information and decide on appropriate courses of action. Referring to another development that had taken place during the month of June, the Director commented on the conflict between Eritrea and Ethiopia, which has so far resulted in the displacement of an estimated 143,000 persons. He deplored that this development might delay the resumption of the repatriation of Eritrean refugees from the Sudan which had recently been agreed with the Eritrean Government to take place in September 1998.

21. As regards Sierra Leonean refugees arriving in Guinea, the plea made by the High Commissioner that the atrocities committed by the Revolutionary United Front (RUF) ex-junta not be left unpunished was reiterated. Efforts made thus far towards separating bona fide refugees from active combatants were spelt out. The Director informed the meeting that the number of Liberian refugees repatriated under UNHCR's auspices had reached 50,000 during the month of June 1998. He also referred to the 180,000 returnees who were said, by the Liberian Government, to have returned since December 1997, a figure which would be further refined. The introduction was concluded with an enumeration of repatriation operations currently taking place or successfully completed. An appeal was made that successful reintegration processes, as well as assistance programmes, not be allowed to suffer as a result of under-funding.

22. Many delegations expressed satisfaction at the ongoing repatriation of Liberian refugees. The need for better coordination of this operation at all levels, however, was stressed. In this regard, a delegation from West Africa supported the proposal made by the Assistant High Commissioner in his introductory statement that a Government level meeting of all countries hosting Liberian refugees be called. Another delegation appealed that the coordination between the various UNHCR offices be improved for a better use of resources available. Inter-agency cooperation was described by one delegation as lacking in the Liberian repatriation operation. A delegation wondered to what extent UNHCR programmes and budgets would be affected by the large spontaneous movement currently taking place. Raising some concerns on the situation in parts of Liberia, a delegation requested that efforts be made to reduce tensions between the Lorma and Mandingo ethnic groups in Lofa in order to encourage the return of the latter group. Furthermore, delegations encouraged UNHCR to pursue its efforts to remove refugees from border areas in Liberia and settle them at a reasonable distance from the border.

23. The role of UNHCR with respect to development organizations in the reintegration process was raised by a number of delegations. One delegation deplored the fact that WFP and UNHCR were the only United Nations organizations active in northern Mali. Taking note of the fact that some countries of origin wanted UNHCR to extend its presence in returnee zone beyond initial plans, a delegation encouraged UNHCR to continue devising its programmes in such a way that development organizations could meaningfully take over reintegration activities as early as possible. It was also suggested that the recently concluded consultations on reintegration would help better define the various roles and responsibilities of relief and development agencies.

24. Some delegations, while welcoming the end of the repatriation of Ethiopian refugees, stressed the need for greater international cooperation and burden-sharing with regard to refugee assistance. In response to a specific comment made on the handling of refugees in Ethiopia, a delegation stressed that refugees as well as migrants should abide by the law of the country.

25. The appointment of a refugee children coordinator in West Africa and in East Africa was seen as a very positive development. A delegation requested that programmes be put in place for child combatants in the north of Uganda.

26. A delegation commended UNHCR's initiative to set up a coordination group for the Guinea-Bissau emergency. The same delegation provided updated information on the situation in Guinea-Bissau and described activities that Portugal, which has historical relations with this country, had initiated in coordination with NGOs, the European Union and other parties.

B. Update on Developments in the Great Lakes Region of Africa

27. The Director of the Great Lakes region of Africa introduced the *Update on Regional Developments in the Great Lakes Region of Africa* (EC/48/SC/CRP.25), updating delegations on new developments and the main concerns of UNHCR in the region.

28. In his comments, the Director referred to the successful outcome of the Inter-ministerial Meeting on Refugee Issues held in Kampala on 8 and 9 May 1998; the opening of the Burundi Peace Negotiations in Arusha; protection issues related to the screening of the residual Rwandan caseload; the question of access to the eastern part of the Democratic Republic of the Congo; and the acute funding problems with which the Operation is confronted.

29. In the discussion concerning the Great Lakes Operations, a number of delegations commended the High Commissioner and the Secretary General of the Organization of African Unity for the manner in which the Kampala meeting had been organized. They believed that the meeting had provided a good forum for an open dialogue among the countries of the region and wished to be kept informed of the follow-up process.

30. Several delegations stressed the importance of maintaining the civilian character of refugee camps, as well as the need to separate genuine refugees from combatants and criminal elements. It was noted, however, that the burden of separation calls for the support of the international community, since it could not be borne by the country of asylum nor UNHCR alone. It was recognized that the ongoing screening operations of the residual Rwandan caseload was a sensitive and difficult exercise which should be conducted in as transparent and objective a manner as possible.

31. With regard to Rwanda, delegations were pleased to note that the Joint Reintegration Programming Unit was fully operational and that other agencies were also involved. They hoped that the work of this Unit would provide the necessary link to enable UNHCR to hand over rehabilitation activities to other agencies. Several delegations expressed concern at continued reports of killings and violence in parts of Rwanda. Concerning the Democratic Republic of the Congo, emphasis was placed on the importance of UNHCR having unhindered access to eastern regions in order to allow the Office to exercise

its protection mandate on behalf of Rwandan and Burundi refugees in that part of the country. Delegations were pleased to receive feedback from the Director on the Burundi peace negotiations and hoped that they would lead to a peaceful solution and the repatriation of Burundi refugees.

32. Tribute was paid to UNHCR staff for their continued efforts in situations of conflict and insecurity. One delegation also wished to pay tribute to the generosity of refugee hosting countries. The NGO Observer delegation highlighted the role of PARINAC in the region, emphasizing the importance of collaboration between UNHCR, Governments and NGOs to further efforts towards establishing and ensuring peace in countries and regions of the continent. Finally, several delegations appealed to the international community to provide financial support to UNHCR so that the Office could continue to carry-out its activities on behalf of refugees and returnees in the region.

C. Update on Developments in the Southern Africa Region

33. The Director for Operations in the Southern Africa region introduced the *Update on Developments in the Southern African Region* (EC/48/SC/CRP.23), providing delegations with updated information since the issuance of the conference room paper.

34. One delegation commended the Director and his staff for the excellent work performed in Southern Africa. In this connection, the restructuring of UNHCR offices in order to minimize administrative costs, the increase in efficiency of services to refugees, the enhanced NGO capacity-building and the assistance to Governments in policy harmonization within the region were underlined. The meeting was informed that newly drafted refugee legislation in South Africa was available to the public on the Internet for comments. In addition, delegations were informed that composite flows and high levels of abuse of asylum procedures had created a considerable backlog of applications in South Africa. With regard to Angola, UNHCR's concern regarding the deterioration of the security situation was shared by one delegation and hope was expressed that the suspension of the repatriation/returnee programme would only last for a few weeks. UNHCR was also encouraged to persevere in its work despite the frustrations emanating from the scarcity of resources and recurrence of conflicts in the region.

35. Delegations commended UNHCR's efforts towards streamlining and restructuring the Southern Africa Operation, made possible by the stabilization of the refugee situation in the region, which, nevertheless, remains fragile. Angola was noted as an exception and UNITA was urged to adhere to the conditions stipulated in the Lusaka Peace Accord. The restructuring of the Southern Africa Operation was characterized by one delegation as a rational use of meagre resources while ensuring the protection and assistance of refugees. Another delegation expressed concern regarding the high administrative ratio for the Southern Africa Operation in comparison to other African operations. An explanation of the Angola budget increase from initial approved budget to the current revised budget under the General Programme was requested by a delegation.

36. Satisfaction was expressed with the positive working relationship which exists between the Angolan Government and UNHCR. With regard to the security situation in Angola, the Standing Committee was assured that the peace

process was irreversible despite the pessimism which was harboured by certain individuals. It was further noted that repatriation was the only durable solution for Angolan refugees and that the majority of refugees would return to their home country in the very near future. One Observer delegation expressed concern with the security situation in Angola and said that Angolans were awaiting peace. Concern was also expressed regarding the present standstill in the Angolan repatriation/returnee programme and in that respect the parties were urged to abide by Security Council resolution 1173. UNHCR was encouraged to work with the Angolan Government in ensuring the protection of Rwandans in Luau, regardless of the difficult working conditions for the screening team on the spot.

37. Appreciation was expressed for UNHCR's efforts in trying to harmonize refugee policies in Southern Africa. One delegation was pleased to see that concrete activities had been designed to promote self-reliance of urban refugees. Additional information was requested regarding the areas in which NGO capacity-building was being enhanced.

38. With regard to the high administrative ratio in the total Southern Africa Operation budget, the Director explained that following the stable environment and increased number of urban refugees in Southern Africa, a comparison of the administrative ratio should not be made with other African operations which have large rural refugee populations. He stated that the comparison should rather be made with the European operations where the nature of work is similar. The Director reiterated the ongoing restructuring exercise which would lead to the discontinuation of 69 posts by December 1998 and additional posts would be discontinued by June 1999.

39. The Director noted that the increase from initial approved budget to the current revised budget was due to the borrowing at the beginning of the year of \$ 3 million for Angola from the Voluntary Repatriation Fund which is reflected in 1998 revised budget but not in the initially approved budget. In addition, the Director explained that the increase in NGO capacity-building activities would concern areas such as programme management and advocacy, but that the overall protection of refugees would remain under UNHCR's responsibility.

VI. PROGRAMME AND FUNDING MATTERS

40. The Standing Committee had before it a document entitled, *Update on Programme and Funding Projections for 1998 and Tentative Estimates for the 1999 General Programmes Target* (EC/48/SC/CRP.26) and a related draft decision.

41. The agenda item was introduced by the Director of the Division of Operational Support. The Director also introduced the recently appointed Head of Funding and Donor Relations Service. The critical funding situation for 1998 General Programmes was the focus of the Director's opening remarks. He pointed out that on the basis of current projections, the approved General Programmes target of \$ 440 million was likely to be underfunded by some \$ 70 million. He described the steps that the Office was taking to bridge the gap between needs and expected resources. Among these measures was the recently completed review of posts at Headquarters. Delegations were informed that with 62 post discontinuations at Headquarters, the estimated savings from this exercise in 1998 would be some \$ 2 million. The Director

stated that the review of posts in the field was continuing. Further, he stated that other measures taken to address this shortfall in funding included reductions in activities and self-imposed limits on the use of the 1998 Programme Reserve, the Emergency Fund and the Voluntary Repatriation Fund. He expected that the carry-over into 1999 under General Programmes would be minimal.

42. As regards the 1999 General Programmes, the Director informed delegations that although it was too early to speculate about funding prospects, UNHCR's Operations Review Board had decided, on the basis of current funding trends, to propose to the forthcoming Executive Committee a reduced 1999 General Programmes target of \$ 413.5 million (which includes a Programme Reserve of \$ 33.5 million and \$ 25 million for the Emergency Fund and \$ 20 million for the Voluntary Repatriation Fund). As regards the funding situation for Special Programmes, the Director said that this was also very serious, especially in relation to programmes for Afghanistan, Angola, Liberia and Rwanda.

43. In the light of these trends, the Director raised the overall question of support of UNHCR programmes. He asked about the implications of the lack of financial support for certain Special Programmes. He questioned whether this implied a lack of political support for such programmes and a signal from the international community that UNHCR's involvement in such programmes was not a high priority and stated that this issue had to be addressed for UNHCR to draw the necessary conclusions.

44. Turning to the Informal Consultations on UNHCR's Budget Structure, the Director noted their progress and the constructive atmosphere in which they were being conducted. He commented that while the result would be a more transparent and flexible budget structure, which, if approved, could be introduced in the year 2000, the issue remained of also ensuring an adequate funding mechanism for UNHCR's programmes. In conclusion, the Director assured delegations that, in the light of funding pressures, UNHCR would be extremely attentive in the delivery of its programmes and the levels of administrative costs, so as to be as effective as possible with the resources available. He asked for their continuing support.

45. A number of delegations expressed concern about the funding situation. As regards the impact of shortfalls, concern was expressed with regard to their effect on refugee women and children. One delegation called for a greater focus on core activities, and greater inter-agency cooperation. Another felt that strategic choices needed to be made. To address the shortfall, one delegation underlined the need for a strategy to get more funds from new donors and the private sector.

46. Several delegations expressed regret at the proposed reduction in the level of 1999 General Programmes. Others wondered whether the proposed figure, given current trends, was realistic and not perhaps slightly ambitious.

47. A number of delegations made reference to the ongoing consultations on UNHCR's budget structure. It was felt by some that the growth in recent years in the number of statutory activities under Special Programmes was troubling. It was pointed out that this was contrary to what had been decided at the 1995 Informal Consultations. One delegation pointed out that

the test of any proposed new budget structure would be its ability to generate more funds. Another delegation felt that with the adoption of uniform definitions related to programme support, and management and administration, greater comparability would be possible with the budgets of other related United Nations agencies. Several delegations said they awaited the comments of the ACABQ on the outcome of the consultations.

48. The draft decision was adopted without amendment (Annex 1).

VII. PROTECTION/PROGRAMME POLICY ISSUES

49. Delegations welcomed the oral progress report on activities for refugee women and gender mainstreaming, and commended UNHCR on its efforts towards integrating refugee women and gender into its programmes. It was noted, however, that changing the culture of the Office so that these issues are fully mainstreamed will be a long and challenging process requiring continued focus. Accordingly, a number of delegations strongly supported maintenance and strengthening of the role of the Senior Coordinator for Refugee Women.

50. Delegations recognized the importance of the current policy on refugee women and expressed strong support for a revision of the policy to incorporate the recommendations contained in the 1995 Beijing Platform for Action and the 1997 ECOSOC report on gender mainstreaming. The planned evaluations of the implementation of the policy on refugee women, and the impact of People-Oriented-Planning training were also welcomed as positive steps. It was suggested that the findings could be integrated into the policy review. One delegation expressed the wish that the role of refugee women in relation to their families be better highlighted in UNHCR's programmes.

51. Several delegations expressed concern that current budgetary constraints might negatively affect programmes for refugee women. They noted the improved efficiency of programmes that results from taking gender issues into account. The importance of building a culture of accountability was also highlighted and delegations welcomed the modifications to the Career Management System competency system as a positive step towards enhanced accountability for mainstreaming refugee women and gender considerations.

VIII. OVERSIGHT ISSUES

52. The Standing Committee had before it a document entitled *Audit Follow-up: Financial Management and Programme Management* (EC/48/SC/CRP.30). The document was introduced by the Director of the Division of Financial and Information Services and the Director of Division of Operational Support, who elaborated on actions taken by UNHCR in regard to the following issues: the recording of expenditure by implementing partners; the cancellation of obligation no longer required; the level of Programme Delivery (PD) and Administrative Support (AS) costs in various country programmes; the establishment of clearly defined project objectives; work plans; receipt of project monitoring reports; and quick impact projects.

53. Interventions from delegations stressed the seriousness of the audit comments and felt that the responses made by UNHCR were generally appropriate. Delegations placed particular importance on the need to further develop guidelines on establishing objectives and budgeting on the basis of

outputs and stated that these components should be emphasized throughout the development of the new Operations Management System (OMS). Delegations also expressed the view that greater attention be paid to the question of evaluation and monitoring. Delegations also raised the issue of the harmonization of the budget structure and felt that the need to establish norms for what is now referred to as PD and AS be dealt with in the context of this exercise. Delegations expressed the view that the report of the Board of Auditors correctly highlighted the importance of the issue of PD and AS but also stated that the core activities of the Office should be presented in a manner which is not compromised by such categorization. Delegations also encouraged UNHCR to benefit from the experience of other United Nations agencies in explaining how the issues raised by the Board of Auditors can be addressed in a successful manner.

54. The Director of DOS stated that many of the issues raised by the Board of Auditors are being dealt with in the context of the development of the OMS. He indicated that an initial version of the OMS should be available later in the year but that certain components are dependent upon improvements in technology, which will take longer to develop.

IX. GOVERNANCE ISSUES

55. The Standing Committee gave final consideration to the Annual Theme for the forty-ninth session of the Executive Committee. A draft decision of the Annual Theme was circulated in the room and proposed that the topic of debate at the forty-ninth session of the Executive Committee in October 1998 focus on "International Solidarity and Burden-sharing in all its Aspects: National, Regional and International Responsibilities for Refugees". The decision on the Annual Theme was adopted without amendment (Annex 1).

56. Delegations requested that the background documentation prepared for the debate be made available to delegations as soon as possible. Delegations also voiced support for efforts towards establishing more effective Executive Committee working methods. Further, it was suggested that the debate on the annual theme could be the core of a coherent process where Member States set the agenda for debate and the direction of the work to be undertaken by UNHCR over the year.

X. MANAGEMENT, FINANCIAL AND HUMAN RESOURCES MATTERS

57. The Deputy Director of the Division of Human Resources Management introduced the conference room paper on the safety of UNHCR staff (EC/48/SC/CRP.31). Delegations taking the floor, as well as the Chairman, expressed deepest concern for staff security and asked to be kept apprised of measures being taken to better ensure staff safety. One delegation welcomed joint statements by ICRC and UNHCR on safety and highlighted the recommendations and proposals by the ACC, particularly with regard to the necessity of training senior staff who are involved in the management of operations in insecure areas. In addition, it was recommended that acts against humanitarian staff should fall within the jurisdiction of the International Criminal Court, once it is established. The protection needs of local staff were also highlighted as an issue which needs to be accorded special attention.

XI. ANY OTHER BUSINESS

58. There being no further business, the Chairman closed the meeting.

DECISIONS ADOPTED BY THE TWELFTH STANDING COMMITTEE

I. DECISION ON PROGRAMME AND FUNDING PROJECTIONS

The Standing Committee,

Recalling the decision of the forty-eighth session of the Executive Committee on programme, funding and administrative matters,

(a) Notes that the overall revised needs for 1998 (excluding the Regular Budget) are currently estimated at some \$ 1.1 billion, of which projected needs for General Programmes remain at \$ 440 million, as approved by the Executive Committee at its forty-eighth session, and those for Special Programmes are \$ 664.2 million;

(b) Notes also the tentative budget estimates of \$ 413.5 million for 1999 General Programmes as set out in document EC/48/SC/CRP.26, which includes a Programme Reserve of ten per cent of programmed activities;

(c) Notes the current level of contributions to UNHCR's programmes and notes the appeal of the High Commissioner to donor Governments for further announcements of contributions so as to permit continuation and timely implementation of the various assistance programmes.

II. DECISION ON ANNUAL THEME OF THE FORTY-NINTH SESSION OF THE EXECUTIVE COMMITTEE

The Standing Committee,

Recalling the decision taken at the forty-sixth session of the Executive Committee that the General Debate will be discontinued and replaced by a debate on a focused annual theme to be selected in consultation with the High Commissioner and the Standing Committee at a meeting held at least three months before the annual plenary session (A/AC.96/860, para. 32(h)),

Recalling that, based on a decision by the Standing Committee of the Executive Committee at its eighth meeting, the annual theme debated at the forty-eighth session of the Executive Committee was "Repatriation Challenges",

(a) Decides that the annual theme to be discussed at the forty-ninth session of the Executive Committee will be "International Solidarity and Burden-Sharing in all its Aspects: National, Regional and International Responsibilities for Refugees";

(b) Considers that the debate on the annual theme should be conducted, *inter alia*, on the basis of relevant work undertaken at the inter-sessional meetings of the Standing Committee, including in respect of international

protection, as well as of previous conclusions of the Executive Committee and other documents or studies related to international solidarity and burden-sharing in all its aspects;

(c) Requests the High Commissioner to submit to the plenary session appropriate background documentation to provide a broad framework for the debate.

CHAIRMAN'S SUMMING UP OF PROTECTION DEBATE

A. Introductory Comments

The briefing given by the Director of International Protection on UNHCR's Reach Out initiative attracted much interest, with delegations lending their strong support for this process and its continuation. In so doing, they also confirmed their government's support generally for UNHCR's protection work. Amongst the issues picked up by delegations, arising out of the Director's report, was the problem of developing useful, protection-based Executive Committee conclusions. There was some support from the Committee for shorter conclusions with a more limited focus and it was recommended that the process used to reach conclusions might be re-examined. Many delegations also noted with appreciation the presence and statement of the Deputy High Commissioner for Human Rights, which expressed support for enhancing on-going cooperation between UNHCR and the Office of the High Commissioner for Human Rights.

B. Note on International Protection

Delegations were invited to address both aspects of this year's Note on International Protection - that is its overview of current concerns and new issues, as well as its framework theme of the interlinkages between refugee protection and human rights. The timeliness of this theme was recognized and the value of examining the refugee experience against the background of human rights principles was appreciated. It was recommended that this be repeated for later Standing Committees. UNHCR was encouraged to continue to strengthen its cooperation with the human rights bodies and mechanisms, although in so doing it had to maintain the specificity of its own mandate activities. Some delegations urged strengthened collaboration and dialogue at the bilateral and regional as well as the international level to address human rights causes of refugee flows, as well as breaches of human rights principles jeopardising refugee protection. While recognizing that human rights violations are amongst the principle causes of refugee flows, some delegations stressed also the causal role of environmental and development factors.

Turning to the overview of protection concerns in the Note, it was stressed that protection of refugees is a shared responsibility and that States had to meet their own obligations in this regard. Many delegations addressed the range of issues in the Note, expressing concern in particular about violations of the principle of *non-refoulement*, threats to physical security and the safety of camps and the difficulties in ensuring sustainable return. The protection problems of women and children were a recurring theme for many delegations, who generally highlighted both their concerns about the serious threats to the dignity and physical security of women and children, and the need to mainstream policy and protection guidelines as a priority in UNHCR programmes. The various initiatives being undertaken by UNHCR in this area were commended. The importance in building these initiatives also around respect for family unity was stressed. A number of delegations were interested in further discussion on the parallel development of the *non-refoulement* principle in human rights instruments. Other matters attracting comments included the role of the 1951 Convention and 1967 Protocol in the light of new refugee protection challenges, the importance of examining supplementary concepts such as gender-related persecution and the

question of return of rejected cases, not least in the light of misuse of asylum procedures. There was strong support for inclusion in the Note of issues of burden or responsibility sharing, notably in the context of mass influx and for putting in place of arrangements based on a fair distribution of responsibilities. It was at the same time highlighted that access to asylum and the meeting by States of their protection responsibilities should not be dependent on burden-sharing being in place.

Delegations broadly accepted that the primary duty for promoting and protecting human rights fell on States and, in this regard, it was particularly important to put into place programmes to combat xenophobia and racism, as well as to strengthen local capacity to protect human rights, including through building of national human rights institutions and training programmes for the police and the judiciary.

It was suggested by a number of delegations, in conclusion, that there were many issues in the Note which could fruitfully be discussed in the informal Gap consultations.

C. Note on Composite Flows

The complexity of the subject was acknowledged, as was the value of the conclusions of the Working Group on Solutions and Protection to further debate on this matter. The need to keep in mind the difference both between refugees and persons not in need of international protection, as well as rejected asylum seekers and persons without a protection need was important for delegations. Issues attracting particular comment included how to ensure the return of rejected cases and the acceptance by countries of origin of their obligation to receive back their citizens. The importance of fair and efficient refugee status determination procedures, the need to address the problems of abuse of these procedures and trafficking were also discussed. How to facilitate return, including importantly through development related activities in the country of origin was an important focus for a number of delegations. It was broadly accepted that, regardless of the status of the persons concerned (rejected asylum seekers, migrants, or others), their return had to be undertaken in a humane and dignified manner and in conformity with human rights standards. Finally, there was some consideration of the roles to be played by international organizations, including UNHCR as a catalyst and IOM, to facilitate return.

D. Informal Consultations

It was generally agreed that the informal consultations on protection for all who need it had proved a valuable forum for discussion of complex issues in an open manner. The consultations had had an important educative role and, in addition, they offered the possibility for States to develop their thinking on matters which would have to come into more formal debate at a later stage. As a result, there was general agreement that the consultations should continue, albeit taking into account UNHCR's resource limitations. The results of deliberations as well as the background papers for the various consultations' meetings deserved wider distribution and UNHCR was asked to look at ways to achieve this. Some delegations put forward a number of useful suggestions for further topics for the consultations, including a number drawn from this year's Note. It was pointed out that the main

criteria to be respected in organizing additional consultations were informality and expertise of discussions, and broadly based participation therein.

E. Oral Report on Exclusion

This subject attracted a lot of interest, with delegations recommending that the problem was deserving of on-going consideration by the Standing Committee. Amongst the main concerns identified by delegations during discussions, the challenge of protecting the integrity of the asylum system through rigorous applications of the exclusion clauses in the case of terrorist and criminal asylum seekers was particularly underlined. By the same token, the need to apply the clauses restrictively and in fair and transparent procedures was also stressed by a number of delegations. There were a number of concepts which delegations felt deserved further analysis, including the notion of "political" crimes, terrorists acts, and offences contrary to the purposes and principles of the United Nations. Delegations also recognized the importance of the procedural concerns raised in the oral presentation, particularly the approach to take to the cases of family members of an excluded individual. It was suggested by a number of delegations that the informal consultations could serve as a possible forum for further examination of such exclusion issues.

F. Resettlement

The Note on the Resettlement of Refugees with Special Needs underscored that protection considerations, including actual or potential human rights violations, motivate the need for resettlement. The call was made for more States to provide resettlement opportunities in general, and for refugees with special needs in particular.

There was broad support for UNHCR's efforts to generate awareness of the special needs of women-at-risk, refugee minors and adolescents, elderly refugees and survivors of torture and violence. Most delegations described ways in which current policies respond to the priorities identified in the Conference Room Paper tabled for discussion. For example, several delegations with programmes for the expedited processing of women at-risk reported that they would continue to consider UNHCR referrals as needed.

One delegation asked UNHCR to review the quality of the documentation provided for medical cases. Several delegations urged UNHCR to further its efforts on behalf of unaccompanied refugee minors, stressing that resettlement should be promoted only if it is in the "best interests" of the child. The Note's focus on the importance of family unity and the active contributions of the elderly was welcomed.

Finally, several delegations urged other members of the Executive Committee to offer resettlement places. In this context, the new resettlement programmes in place in Africa were particularly welcomed. One delegation acknowledged that while it will not establish an annual quota it will continue to resettle refugees with family links and in response to specific appeals of UNHCR. Another delegation which is about to embark on a new resettlement programme invited countries with long-established programmes to provide support and advice.